

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR.,	)	CASE NO. MC10-90-MJP-JPD
	)	
Plaintiff,	)	
	)	
v.	)	REPORT AND RECOMMENDATION
	)	
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff John Demos submitted an application for leave to proceed *in forma pauperis* (“IFP”) and a proposed tort action to the Northern District of New York, which transferred this matter to the Western District of Washington.<sup>1</sup> (Dkts. 1, 2, 3.) Plaintiff was convicted in 1978 of attempted rape and first-degree burglary and was sentenced to an indeterminate sentence of 240 months to life in prison.

Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of

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<sup>1</sup> Plaintiff purports to represent a self-created entity called “The Society of T.R.U.T.H.” but signs the complaint only on his own behalf. As a non-attorney appearing *pro se*, plaintiff may appear on his own behalf but has no authority to appear as an attorney for others. See *Johns v. County of San Diego*, 114 F.3d 874, 876–77 (9th Cir. 1997).

01 Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United  
02 States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). An Order of  
03 this Court provides for the return without filing of any petition that seeks an extraordinary writ  
04 pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See*  
05 *Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). In addition, plaintiff may  
06 submit only three IFP applications and proposed actions each year. *See In re John Robert*  
07 *Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions*  
08 *Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). Furthermore, under 28 U.S.C.  
09 § 1915(g), plaintiff must demonstrate “imminent danger of serious physical injury” to proceed  
10 IFP because he has had numerous prior actions dismissed as frivolous, malicious, or for failure  
11 to state claim. *See Demos v. Lehman*, MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

12 Plaintiff has already filed three IFP applications and proposed civil actions in 2010.  
13 *See Demos v. State of Washington*, MC10-12-JLR (W.D. Wash., filed Jan. 26, 2010); *Demos v.*  
14 *State of Washington*, MC10-16-JLR (W.D. Wash., filed Feb. 2, 2010); *Demos v. Vail*,  
15 MC10-20-JLR (W.D. Wash., filed Jan. 11, 2010). Plaintiff may not, therefore, submit the  
16 present IFP application and proposed tort action. *See In re John Robert Demos*,  
17 MC91-269-CRD (W.D. Wash. Jan. 16, 1992). In addition, he has failed to demonstrate that he  
18 is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g); *Demos v. Lehman*,  
19 MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

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01 The Court recommends that plaintiff's application to proceed IFP be denied and the  
02 accompanying tort action be dismissed. A proposed Order is attached.

03 DATED this 13th day of July, 2010.

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05 JAMES P. DONOHUE  
06 United States Magistrate Judge  
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